

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 07-00088-001
)	
Plaintiff,)	
)	INFORMATIONAL REPORT
vs.)	
)	
BRYAN PAUL REYES,)	
)	
Defendant.)	
_____)	

Re: Violations of Pretrial Release Conditions; No Action Requested

On September 21, 2008, Bryan Paul Reyes made an Initial Appearance before Magistrate Judge Joaquin V.E. Manibusan, Jr., pursuant to an Indictment charging him with Theft of Government Property, in violation of 18 U.S.C. § 641.

On the same date, Mr. Reyes was released on a personal recognizance bond with conditions that he report to the U.S. Probation Office as directed; maintain or actively seek employment; surrender any passport to the U.S. Probation Office; obtain no passport; not change residence without prior notification to the U.S. Probation Office; refrain from possessing a firearm, destructive device, or other dangerous weapons; refrain from any use of alcohol; refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner; submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance; and surrender to the Superior Court of Guam authorities to address pending traffic warrant. On October 24, 2007, conditions were modified by the Court to include that Mr. Reyes participate in a program of inpatient or outpatient substance abuse therapy and counseling

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after he tested positive for use of methamphetamine on September 21, 2007. On February 14, 2008, an Informational Report requesting no action was submitted to the Court because Mr. Reyes failed to report to two scheduled drug tests.

He is alleged to have violated the following conditions of release:

Standard Condition: *Submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.*

On February 8, 2008 and February 12, 2008, Mr. Reyes failed to report as required for drug tests at the drug testing vendor. On February 28, 2008, this Officer met with Mr. Reyes to discuss his noncompliance with drug testing. He stated that he called the drug testing hotline on the evenings of February 7, 2008 and February 11, 2008 and noted the recording reported "no testing" for the February 8, 2008 test and noted that he did not hear his designated number for the February 12, 2008 drug test. This Officer advised him that his name was on the drug test list as verified via fax from the drug testing vendor. He was reminded to call the hotline everyday as required and appear for drug testing when instructed.

Standard Condition: *The defendant shall refrain from any use of alcohol.*

On February 27, 2008, Mr. Reyes reported to the drug testing vendor for a scheduled drug test. In addition, he was subjected to an alcohol test by U.S. Probation Officer Stephen P. Guillot, which tested positive for use of alcohol (0.015%BAC). Mr. Reyes executed an admission form, admitting to drinking one beer during the early evening of February 27, 2008. On February 28, 2008, this Officer met with Mr. Reyes to discuss his noncompliance with his no alcohol condition. He stated that he drank one budweiser beer during a visit to his grandfather's gravesite. This is his first documented positive alcohol test since the commencement of pretrial supervision.

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Recommendation: In light of a sentencing hearing scheduled for March 12, 2008, it is recommended that this report be for informational purposes only and no action be taken at this time. Mr. Reyes has been warned of the consequences of further violations. His compliance will continue to be closely monitored. Any further violations will be reported to the Court accordingly.

Respectfully submitted,

ROSSANNA VILLAGOMEZ-AGUON
Chief U.S. Probation Officer

By:



/s/ JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

cc: AUSA
AFPD
File